

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6946 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

JIVIBEN GOVABHAI CHAMAR

Versus

GOVERNMENT OF GUJARAT

Appearance:

MRS DT SHAH for Petitioner

MR RJ OZA for Respondents No.1,2 & 3

MR BHARAT T RAO for Respondent No.4

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 27/01/98

ORAL JUDGMENT

Rule. Mr.R.J.Oza waives service of Rule on behalf of respondents No.1, 2 & 3 and Mr.B.T.Rao waives service of Rule on behalf of respondent No.4. The matter is taken up for final hearing on the request of learned counsel for the parties.

2. Prayer has been made by petitioner, in this Special Civil Application, for directing the respondent No.4 to initiate conciliation proceedings on the basis of the complaint filed by the petitioner, annexure 'B'.

3. On the complaint filed by the petitioner, the respondent No.4 passed an order that it has no jurisdiction over the matter and therefore the application has been ordered to be returned. The learned counsel for the respondents have utterly failed to show how the respondent No.4 has no jurisdiction in the matter. Otherwise also, the respondent No.4 has to give out how it has no jurisdiction in the matter.

4. Be that as it may, this Special Civil Application is disposed of with directions to the respondent No.4 to decide the conciliation proceedings, as initiated by the petitioner, within a period of one month from the date of receipt of certified copy of this order and in case it declines to make reference of the dispute to the Labour Court for adjudication, then a reasoned order may be passed and a copy of the same may be sent to the petitioner by registered post A.D. The Special Civil Application and Rule stand disposed of accordingly. No order as to costs.

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(sunil)